

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Case No. 11-cr-95-pp

Plaintiff,

v.

STEVEN W. SHAW,

Defendant.

**ORDER DENYING LETTER REQUEST TO SEND A FAX TO THE WARDEN AT
OXFORD (DKT. NO. 77)**

On September 7, 2017, the court revoked the defendant's supervised release, and sentenced him to serve six months of imprisonment, with credit for time served. Dkt. Nos. 75, 76. The court did not impose any supervised release to follow that term of incarceration, because based on the defendant's past failure to cooperate with probation, the department did not think that he would cooperate, or benefit, in the future. While the defendant had a number of serious violations that caused the court to revoke his supervised release, there were some positives—he had reconnected with his daughter and her mother, and he had a job offer.

On December 11, 2017, the court received a letter from Crystal Patelski, the mother of the defendant's daughter. Dkt. No. 77. Ms. Patelski indicated that the defendant (who is serving his six-month sentence at FCI Oxford) had put in paperwork to go to a halfway house. She says that the defendant's case worker has told him that the BOP has conducted a security check to make sure

that the defendant does not have outstanding warrants, but that the BOP has not actually referred the defendant to a halfway house. Ms. Patelski asked that the court fax a letter to the warden at FCI Oxford, so that the defendant could be at the halfway house for the holidays. *Id.*

The court must decline this request. The decision regarding whether, and when, to send an inmate to a halfway house is completely within the discretion of the Bureau of Prisons. The BOP looks at many factors—the availability of beds, whether someone has drug treatment needs, the person's security classification, health issues—when it decides where to place an inmate. The court does not have the information, knowledge or authority to inject itself into that process. If the BOP believes that the defendant is a suitable candidate for halfway house placement, and has an appropriate location available, the BOP will place him there.

The court remains encouraged by the fact that Ms. Patelski is clearly supportive of the defendant, and that they have positive plans for the future. Her support will be of great help to the defendant in the coming months, and hopefully he will be motivated by his eight-year-old daughter, Stevonna, to make the changes he needs to make to get his life on track. While the court does not have the authority to grant Ms. Patelski's request, it shares her hope that the defendant soon will find himself in a halfway house, and will do well

there.

The court **DENIES** the letter request from Crystal Patelski to send a fax to the Warden at Oxford. Dkt. No. 77.

Dated in Milwaukee, Wisconsin this 14th day of December, 2017.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge